

EVANSVILLE POLICE COMMISSION

Meeting Minutes

Common Council Chambers, Third Floor, City Hall

Evansville, Wisconsin

July 30, 2007

5:00 p.m.

1. Roll call. Commissioners in attendance: Karen Aikman, Scott Brummond, Steve Hagen, Christe McKittrick, and Wally Shannon. Members present constituted a quorum.

Also present: Attorney Robert Krohn, Counsel to the Commission, Attorney James Wickhem, Hearing Examiner, Lacey Wourms, Petitioner, and PO Scott Fields, Respondent, and his counsel, Attorney Andrew D. Schauer from the Wisconsin Professional Police Association. Other community members were also present.

2. Approval of minutes. Minutes of the Commission's meeting of July 28, 2007 were reviewed. Motion was made by Hagen to approve the minutes as distributed and seconded by Aikman. Motion was approved by voice vote.
3. Closed Session: Motion made by Brummond to convene in closed session pursuant to Wis. Stat. sec. 19.85(1)(g) to confer with legal counsel for the Commission who is rendering oral or written advice concerning strategy to be adopted by the Commission with respect to litigation in which it is or is likely to become involved. Seconded by Shannon. The Motion to meet in closed session was approved on the following roll call vote:
Aikman: Yes;
Brummond: Yes;
Hagen: Yes;
McKittrick: Yes;
Shannon: Yes.
4. Evidentiary Hearing: Commencing at 5:32 PM. Hearing Examiner James Wickhem called case number 2007-01-D before the Commission pursuant to rule 13 of the City of Evansville; Board of Police Commissioners; Disciplinary Procedures.

Mr. Wickhem asked for appearances. The parties were present including: Lacey Wourms, Petitioner, and Police Officer Scott Fields, Respondent, and his counsel, Attorney Andrew D. Schauer from the Wisconsin Professional Police Association. Mr. Wickhem addressed the parties. He reminded them that this is tribunal and that the Commission was impartial and reviewing the matter De Novo. Other matters relating to the procedural rules for the hearing were laid out.

The parties each gave an opening statement.

The Petitioner then presented her case in chief. This included four witnesses. The first being a minor male (name not included due to privacy concerns), the second a minor

female (name not included due to privacy concerns), the Petitioner herself and Officer Fields. Each witness was examined by the Petitioner and cross-examined by the Respondent's Counsel. Clarification questions were also presented to the witnesses by the Commission and the Hearing Examiner and answered by the witnesses.

Multiple exhibits were also entered into evidence. Including the Reconstructive Report and Collision analysis on the accident prepared by the Wisconsin State Police and the Administrative review of the incident prepared by the Rock County Sheriff. Other exhibits included pictures of the site, a GPS location report on the squad car, maps, diagrams, and an equipment repair order.

5. During the Hearing an additional claim was presented to the Commission by the Petitioner based on the open wording in the petition regarding Officer Field's alleged falsification, untruthfulness and resulting credibility issues as a police officer. In particular, with regard to whether he actually saw Dane Wourn's accident and chose to drive by it and then return to the scene. After some deliberation, both parties stipulated that they were in favor of hearing this new claim during these proceedings.
6. Motion made by Brummond to convene in closed session to deliberate the issue of whether to allow the new issue. Seconded by Shannon. The Motion to meet in closed session was approved on the following roll call vote:

Aikman: Yes;
Brummond: Yes;
Hagen: Yes;
McKittrick: Yes;
Shannon: Yes.

During the closed session the following matter was Motioned and voted upon:

Motion by McKittrick, for the Commission to allow the issue of Officer Field's alleged falsification, untruthfulness and resulting credibility issues as it relates to such matter resulting in discipline under the Commission's Rules to be heard. The Motion was seconded by Brummond.

Motion approved on the following roll call vote:

Aikman: Yes;
Brummond: Yes;
Hagen: Yes;
McKittrick: Yes;
Shannon: Yes.

7. Following the closed session, the hearing resumed. After the testimony of Officer Fields, the Petitioner then rested her case. The Respondent, via his attorney, moved for a judgment for dismissal as a matter of law; arguing that there was not a sufficiency of

evidence after the Petitioner's proofs to permit reasonable person to find that all of the elements required for discipline in this matter.

8. Motion was made by Brummond to convene in closed session to deliberate the issue of whether the Commission would like to call any witnesses on its own. In particular, the Chief of Police who might add insight to the decisions Officer Fields made during the police chase as they related to the procures he was asked to follow and related to Officer Fields' training. Seconded by Shannon. After discussion, the Motion was disapproved on the following roll call vote:

Aikman: No;
Brummond: No;
Hagen: No;
McKittrick: No;
Shannon: No.

9. After additional discussion regarding procedure and options available to the Commission, motion was made by Brummond to convene in closed session to deliberate the Respondent's motion for a judgment for dismissal as a matter of law. Seconded by Shannon. After discussion, the Motion to meet in closed session was approved on the following roll call vote:

Aikman: Yes;
Brummond: Yes;
Hagen: Yes;
McKittrick: Yes;
Shannon: Yes.

During the closed session the following matter was Motioned and voted upon:

Motion was made by Shannon for the Commission to grant the Respondent's motion for a judgment for dismissal as a matter of law and to memorialize the findings of fact as indicated in the attached findings (executed by President Brummond on July 31, 2007). The Motion was seconded by McKittrick.

After discussion, the motion approved on the following roll call vote:

Aikman: Yes;
Brummond: Yes;
Hagen: Yes;
McKittrick: Yes;
Shannon: Yes.

10. The Commission returned to open session wherein Commission President Brummond addressed the parties. Commissioner Brummond stated that a high-speed pursuit is a very sensitive issue to undertake and that it has never been lost on the Commission that this was a terrible tragedy. Lacy's family has suffered an unimaginable loss and the

community has suffered a loss as well. The family is grieving now and we understand that. We also feel that the decisions we are making tonight are preventing another tragedy, the unjust discipline of a good police officer.

Commission Attorney Robert Krohn then addressed the parties by reading the findings of fact to them and on the record. Said findings attached.

11. Adjournment. Motion to adjourn sine die by Hagen, seconded by Brummond. Approved by voice vote.

Note: Minutes of the Commission are not official until approved by the Commission at a meeting called and noticed for that purpose.